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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,447	07/23/2003	Gaurav Mittal	004770.00491	7966
22907	7590	10/13/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			WU, QING YUAN	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/625,447

Applicant(s)

MITTAL, GAURAV

Examiner

Qing-Yuan Wu

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☒ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-12 and 15-34 are pending in the application.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/28/06 has been entered.

#### ***Drawings***

3. Figures 4 and 6 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference characters 424 and 426, more specifically the specification failed to explained what "ADA" stands for. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

Art Unit: 2194

accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7-8, 10-12, 16, 18-19, 21-26 and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley (U.S. Patent 5,999,740), in view of Gardner III et al (hereafter Gardner) (U.S. PG Pub 20040068724).

6. Rowley was cited in the last office action.

7. As to claim 1, Rowley teaches the invention substantially as claimed including a method comprising steps:

receiving from a client device an initiation request for information describing available applications, responsive to the initiation request, retrieving for each available application information describing a respective application and transmitting the application information to

Art Unit: 2194

the client device [Rowley, abstract, lines 3-6; col. 3, lines 6-10; col. 5, lines 23-28; 301, Fig. 3].

8. Rowley does not specifically teach retrieving/transmitting in a browser independent manner the link to an application descriptor for a respective application to the client device. However, Rowley disclosed a display interface display recent versions of an application available [Rowley, 303, Fig. 3; col. 5, lines 42-46], mechanism for selection of application upgrades and mechanism to communicate the retrieval of the manifest files [Rowley, col. 5, line 35-col. 6, line 21]; an update program for communicating with the server [Rowley, Fig. 3A; Fig. 9; col. 5, lines 26-65].

9. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the update program is not a browser and that the teaching of Rowley provides the client access to the descriptors (i.e. manifest file) and making used of the descriptors in choosing application files to download [Rowley, abstract; col. 5, line 35-col. 6, line 21] because the link/access to the manifest file facilitates the downloading of applications or application files. (Examiner's interpretation of "wireless browser independent manner" as communicating in a wireless environment and independent of a web browser since applicant did not preclude nor define this limitation)

10. Furthermore, Rowley does not specifically teach transmitting in a wireless environment. However, Gardner teaches downloading updates to a wireless device in a wireless networking environment [Gardner, abstract].

11. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of Rowley with teaching of Gardner because the teaching of Gardner can further extend the compatibility of Rowley's user friendly mechanism in performing updates [Rowley, col. 1, lines 19-21] to various platforms and to make the updating of applications and data more efficient [Gardner, pg. 1, paragraph 5].

12. As to claim 2, this claim is rejected for the same reason as claim 1 above.

13. As to claim 3, this claim is rejected for the same reason as claim 1 above. In addition, Rowley as modified teaches receiving from the client device a request to download a selected application, retrieving the selected application, and transmitting the selected application to the client device [Rowley, col. 5, line 66-col. 6, line 8; Gardner, pg. 4, paragraph 37, lines 12-17; pg. 5, paragraph 38, lines 20-24].

14. As to claim 4, Rowley as modified teaches the invention substantially as claimed including wherein the client device is one of a computer, a handheld device, a personal digital assistant, and a wireless mobile telephone [Rowley, col. 2, line 2; Gardner, abstract; pg. 1, paragraph 4].

15. As to claim 5, Rowley as modified teaches the invention substantially as claimed including wherein the at least one server computer comprises at least one of a network server and

Art Unit: 2194

an application server [Rowley, col. 2, lines 1-3; Gardner, 16, 30, Fig. 2].

16. As to claim 7, Rowley as modified does not specifically teach the link is one of a uniform resource locator and a uniform resource identifier. However, Rowley disclosed a mechanism for selection of application upgrades and mechanism to communicate the retrieval of the manifest files [Rowley, col. 5, line 35-col. 6, line 21]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of Rowley and Gardner to include URL and URI because it would further improve the user-friendly and efficient mechanism of downloading applications or application updates by providing a location of the information requested to avoid the overhead of having to locate the application when requested.

17. As to claim 8, this claim is rejected for the same reason as claim 1 above.

18. As to claim 10, Rowley as modified teaches the invention substantially as claim including determining from the application descriptor whether an application is suitable for downloading to the client device, and upon a determination that the application is suitable for downloading to the client device, downloading the application [Rowley, col. 5, line 66-col. 6, line 8; Gardner, pg. 4, paragraph 33; 90-96, Fig. 5].

19. As to claim 11, this claim is rejected for the same reason as claim 4 above.

Art Unit: 2194

20. As to claim 12, this claim is rejected for the same reason as claim 7 above.

21. As to claim 16, Rowley and Gardner teach substantially the method for facilitating the downloading of an application from at least one server computer to a client device. Therefore Rowley and Gardner teach the system for implementing the method.

22. As to claims 18-19, these claims are rejected for the same reason as claims 4-5 above.

23. As to claim 21, this claim is rejected for the same reason as claims 7 and 16 above.

24. As to claims 22-25, Rowley and Gardner teach substantially the method for facilitating the downloading of an application from at least one server computer to a client device. Therefore Rowley and Gardner teach the apparatus for implementing the method.

25. As to claims 26, 28 and 29, these claims are rejected for the same reason as claims 22-25 above.

26. As to claims 30-31, Rowley and Gardner teach substantially the method for facilitating the downloading of an application from at least one server computer to a client device. Therefore Rowley and Gardner teach the computer-executable instructions for implementing the method.



Art Unit: 2194

27. As to claims 32-34, these claims are rejected for the same reason as claims 30-31 above.

28. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley and Gardner as applied to claims 1 and 16 above, further in view of Ims et al (hereafter Ims) (U.S. Patent 6,665,867).

29. Ims was cited in the last office action.

30. As to claim 6, Rowley and Gardner do not specifically teach wherein the at least one server computer comprises at least one application server coupled to said client device via at least one network server. However, Rowley disclosed a number of server computers interconnected by a network [Rowley, col. 2, lines 1-3]. In addition, Ims teaches a gateway directly or indirectly coupled to one or more workstations, and servers such as gateway and application server may be coupled to other servers [Ims, col. 7, lines 35-40]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of Rowley, Gardner and Ims because the teaching of Ims enhanced the teaching of Rowley and Gardner by providing an abstraction between a client device and a backend server (i.e. application server).

31. As to claim 20, this claim is rejected for the same reason as claim 6 above.

Art Unit: 2194

32. Claims 9, 15, 17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley and Gardner as applied to claims 8, 16 and 26 above, in view of Applicant Admitted Prior Art (hereafter AAPA).

33. As to claim 9, this claim is rejected for the same reason as claims 1-3, and 8 above. However, Rowley and Gardner do not specifically teach a content/application download model. However, AAPA teaches a content/application download model [AAPA, pg. 1, line 24]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of Rowley, Gardner and AAPA because the teaching of Rowley and Gardner would further improved the teaching of AAPA by providing a more convenient, user friendly and efficient mechanism in performing updates in a wireless network environment [Rowley, col. 1, lines 19-21; Gardner, pg.1, paragraph 5].

34. As to claim 15, Rowley, Gardner and AAPA teach the invention substantially as claimed including wherein said content/application download model (CADM) is one of Java-AMS, BREW, and CoD [AAPA, pg. 1, lines 22-27].

35. As to claim 17, this claim is rejected for the same reason as claims 2 and 9 above.

36. As to claim 27, this claim is rejected for the same reason as claim 9 above.

*Claim Rejections - 35 USC § 103*

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner III et al (hereafter Gardner) (U.S. PG Pub 20040068724).

39. As to claim 8, Gardner teaches the invention substantially as claimed including a method comprising receiving at a client device a request for information describing available applications [pg. 1, paragraph 3, paragraph 31, lines 12-16]; and generating by the client device in a wireless network an initiation request for information describing available applications and for a link to an application descriptor corresponding to each respective available application [pgs. 1-2, paragraph 17; pg. 4, paragraph 32, lines 15-19; 82, 86, Fig. 5].

40. Gardner does not specifically teach browser independent (i.e. explicit recitation of presence or absence of a browser). However, Gardner disclosed an application download server determining what applications and data are available to the wireless device and sends the appropriate information, such as a menu, for display on the wireless device so the user can learn of the available applications and data; and the automatic download of the different download server resident dataset [pgs. 1-2, paragraph 17; pg. 4, paragraph 31, lines 19-22; pg.4, paragraph

Art Unit: 2194

37, lines 17-21]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of Gardner to explicitly exclude the using of a browser because Gardner's teaching can be perform in a automated manner without the use of a browser.

*Response to Arguments*

41. Applicant's arguments filed 7/28/06 have been fully considered but are moot in view of the new ground of rejection.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

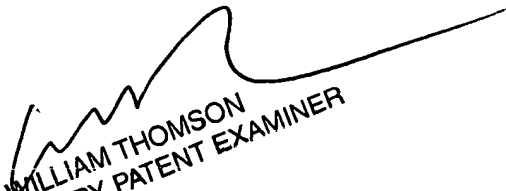
Art Unit: 2194

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Qing-Yuan Wu

Examiner

Art Unit 2194

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER